

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHARLES KNIGHT,
Petitioner,

v.

Case No. 06C0915

JOHN HUSZ,
Respondent.

ORDER

On September 17, 2006, I determined that petitioner, who is proceeding pro se, had raised colorable constitutional claims and ordered respondent to answer the petition within 30 days. On October 17, 2006, respondent filed a motion requesting a one-day extension of time to file the answer, establishing good cause for the delay. On October 18, 2006, respondent filed both a motion to dismiss and a motion to stay filing an answer pending resolution of the motion to dismiss. On October 31, 2006, I granted respondent's motion for an extension of time and his motion to stay filing an answer.

Now petitioner has filed a motion for default judgment against respondent, appearing to assert that respondent violated my order granting his motion for an extension of time by failing to file an answer. Petitioner fails to note that my October 31, 2006, order also granted respondent's motion to stay filing an answer. Thus, respondent need not file an answer in this case until and unless I resolve respondent's pending motion to dismiss in petitioner's favor.

Therefore,

IT IS ORDERED that petitioner's motion for default judgment is **DENIED**.

Dated at Milwaukee, Wisconsin, this 10 day of January, 2007.

/s _____
LYNN ADELMAN
District Judge